

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

NESTOR ROBLES GOMEZ, <i>et al.</i> ,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 1:12-cv-46
	§	
RAUL AVENDANO, Individually and d/b/a	§	
UNION RAGS, <i>et al.</i> ,	§	
<i>Defendants.</i>	§	
	§	

**AMENDED MEMORANDUM OPINION AND ORDER**

On December 11, 2014, the Court granted summary judgment in favor of Luis Jimenez Garcia (hereinafter “Luis”) and Sergio Jimenez Garcia (hereinafter “Sergio”) on their Fair Labor Standards Act (“FLSA”) claims for unpaid minimum wages and overtime wages against Defendants Raul Avendano, Raul Avendano, Jr., and UR Textile International, L.L.C. (hereinafter “Defendants”) [*see* Doc. No. 59]. The lead plaintiff in this action, Nestor Robles Gomez (hereinafter “Gomez”), was not included in the Motion for, or Order on, Summary Judgment and, thus, the Court continued to hold the Final Pretrial Conference on January 6, 2015.<sup>1</sup> At that Conference, Plaintiffs’ counsel informed the Court that a motion for summary judgment on Gomez’s FLSA claims would be forthcoming. Defendants have failed to object—or respond at all—to any action taken in this case by any of the plaintiffs since Luis and Sergio moved for summary judgment.

Currently pending before the Court is Luis Jimenez Garcia’s and Sergio Jimenez Garcia’s Motion to Amend Summary Judgment Ruling [Doc. No. 70]. After reviewing the motion, the summary judgment record, and the applicable law, the Court hereby amends its prior December

---

<sup>1</sup> No other dispositive motions were pending in this Court.

11, 2014 Memorandum Opinion and Order (granting summary judgment on Sergio's and Luis's claims) to reflect the following revised damages calculation:

- 1) Plaintiff Sergio Jimenez Garcia is entitled to damages in the amount of \$43,332.84 in both unpaid minimum wages and overtime compensation.<sup>2</sup> Thus, Plaintiff Sergio Jimenez Garcia is entitled to \$86,665.68 in total damages (compensatory and liquidated).
- 2) Plaintiff Luis Jimenez Garcia is entitled to damages in the amount of \$80, 286.92 in both unpaid minimum wages and overtime compensation. Thus, Plaintiff Luis Jimenez Garcia is entitled to \$160, 573.84 in total damages (compensatory and liquidated).

The Court hereby amends its prior Order on summary judgment and finds that Plaintiffs Luis Jimenez Garcia and Sergio Jimenez Garcia are entitled to the damages set out above. Upon ruling on the motion for attorneys' fees filed by Luis and Sergio [Doc. No. 65], the Court will enter final judgment.

Signed this 20th day of March, 2015.



Andrew S. Hanen  
United States District Judge

---

<sup>2</sup> The Court rejects the final damages calculation suggested by Sergio in his Motion to Amend Summary Judgment Ruling. Sergio came to the same *individual* totals as did the Court (\$3,402.00 + \$5,890.00 + \$8,780.00 + \$6,772.92 + \$11,430.32 + \$7,057.60); however, Sergio incorrectly calculated the overall total of both unpaid minimum wages and overtime wages.